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Attorneys for Defendants BRUCE MILLIMAKI & MICHAEL EGGERT

UNITED STATES DISTRICT COURT

SOUTHERN DISTRICT OF CALIFORNIA

LYMS, INC.; WENDY YOUNGREN AND
CATHY MEANS AS SUCCESSOR
TRUSTEES OF THE LYMOS 401(K) PLAN,

Plaintiffs,

v.

BRUCE MILLIMAKI AND MICHAEL
EGGERT, FORMER TRUSTEES OF THE
LYMOS 401(K) PLAN; GARY BERMAN,
INDIVIDUALLY,

Defendants.

Case No.: 08-cv-1210 JLS NLS

JOINT MOTION FOR EXTENSION OF
TIME FOR DEFENDANTS BRUCE
MILLIMAKI AND MICHAEL EGGERT TO
ANSWER OR OTHERWISE RESPOND TO
PLAINTIFFS' FIRST AMENDED
COMPLAINT (FIRST REQUEST)

Plaintiffs LYMS, Inc., Wendy Youngren and Cathy Means as Successor Trustees of the Lymos 401(k) Plan ("Plaintiffs") and Defendants Bruce Millimaki ("Millimaki") and Michael Eggert ("Eggert") hereby submit this Joint Motion for Extension of Time for Defendants Bruce Millimaki and Michael Eggert to Answer or Otherwise Respond to Plaintiffs' First Amended Complaint and, in support thereof, aver as follows:

1. On July 21, 2008, Plaintiffs filed their First Amended Complaint ("FAC") against Millimaki and Eggert among other Defendants.

2. Plaintiffs have agreed to extend the time for which Millimaki and Eggert have to respond to the Complaint until August 25, 2008. This is the first extension requested by Millimaki and Eggert.

BUTTERFIELD
SCHECHTER
♦ LLP

1 WHEREFORE, Plaintiffs and Defendants Millimaki and Eggert respectfully request this
2 Court grant this Joint Motion for Extension of Time for Defendants Bruce Millimaki and
3 Michael Eggert to Answer or Otherwise Respond to Plaintiffs' First Amended Complaint.

4 DATED: August 4, 2008

BUTTERFIELD SCHECHTER LLP

6 By: s/Susan L. Meter

7 SUSAN L. METER

8 Attorneys for Defendants Bruce Millimaki and
Michael Eggert

smeter@bsllp.com

9 DATED: August 4, 2008

BRANTON & WILSON, APC

11 By: s/Peta Lewis Hallisey

12 PETA LEWIS HALLISEY

13 Attorneys for Plaintiffs

plhallisey@brantonwilson.com

14 DATED: August 4, 2008

SOLOMON WARD SEIDENWURM & SMITH LLP

16 By: s/Stephen L. Schreiner

17 STEPHEN L. SCHREINER

18 Attorneys for Plaintiffs

sschreiner@swsslaw.com

27 BUTTERFIELD
28 SCHECHTER

◆ LLP

CERTIFICATE OF SERVICE

I, Susan L. Meter, hereby declare:

On August 4, 2008, I caused the following document to be electronically served:

- JOINT MOTION FOR EXTENSION OF TIME FOR DEFENDANTS BRUCE MILLIMAKI AND MICHAEL EGGERT TO ANSWER OR OTHERWISE RESPOND TO PLAINTIFFS' FIRST AMENDED COMPLAINT (FIRST REQUEST)

on the interested parties who have agreed to accept e-filing as effective service in this action by filing this through the CM/ECF system to the following e-mail addresses:

plhallisey@brantonwilson.com

sschreiner@swsslaw.com

who are the attorneys for Plaintiffs in this matter.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct, and that this declaration was executed on August 4, 2008, at San Diego, California.

DATED: August 4, 2008

s/Susan L. Meter
SUSAN L. METER

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◆ LLP 28

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CERTIFICATE OF SERVICE